



Docket No.: 1573.1006

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

Osamu IEMOTO et al..

Group Art Unit: 2129

Serial No. 09/866,647

Examiner: Joseph P. Hirl

Filed: May 30, 2001

For: A COMPUTER-ASSISTED EDUCATION APPARATUS AND METHOD FOR
ADAPTIVELY DETERMINING PRESENTATION PATTERN OF TEACHING
MATERIALS (as amended)

COMMENTS REGARDING STATEMENT OF REASONS FOR ALLOWANCE

Commissioner for Patents
PO Box 1450
Alexandria, VA 22313-1450

Sir:

The Examiner provided a Statement of Reasons for Allowance in which the Examiner indicated that some of the claims were allowed based on certain features.

MPEP § 1302.14 states, in part:

Where specific reasons are recorded by the examiner, care must be taken to ensure that statements of reasons for allowance (or indication of allowable subject matter) are accurate, precise and do not place unwarranted interpretations, whether broad or narrow upon the claims. The examiner should keep in mind the possible misinterpretations of his or her statement that may be made and its possible estoppel effects.

At item 2 of the statement, the Examiner characterizes certain features of the claims and indicates that the prior art does not teach or suggest the characterized features of the claims.

It is submitted that the Examiner's statements are not accurate quotes with respect to at least some of the claims. For example, the Examiner indicates that the prior art does not teach or suggest, "determining a presentation pattern of teaching material in a computer assisted system wherein a trait profile of the user is determined based on a questionnaire and related analysis that establishes quantified scaled values of features related to specific traits."

However, claim 1 recites, "providing a questionnaire to a user and analyzing an answer to said questionnaire to determine a trait of said user related to personality in accordance with magnitudes in a plurality of scales associated with learning behavior of said user", parts of which the Examiner omits. Accordingly, it is submitted that the claims speak for themselves and should not be interpreted based on the Examiner's characterizations of same. It is further submitted that the claims provide their own best evidence as to the reasons for allowance.

The reasons for allowance set forth include descriptions and characteristics of selected items of prior art. For example, the Examiner indicates that the closest prior art [U.S. Patent No. 5,810,605 (Siefert), U.S. Patent No. 5,122,952 (Minkus), U.S. Patent No. 6,206,700 (Brown) and "Integrating Models of Personality and Emotions into Lifelike Characters" (Andre)] taken in combination cites elements related to automatic learning tool selection for individual child development that "assigns a PNR code to each where P relates to products selected to enhance a child strength, N relates to products selected to abate a child weakness, and R relates to products selected for recreation, fun and entertainment..." Applicants point out that such combination of prior art does not touch on various concepts of the claimed invention.

It is further submitted that such characterizations are not proper "reasons for allowance" as directed by 37 C.F.R. § 1.104 and as explained in M.P.E.P. §1302.14. In particular, a discussion of the prior art is specifically identified in Example (F) of M.P.E.P. §1302.14 as a statement which is not a suitable reason for allowance.

The foregoing is merely meant to be exemplary, and does not point out all of the discrepancies between the Examiner's Statement of Reasons for Allowance and the claimed features of the currently pending claims.

In light of the above, it is submitted that the Examiner's Statement "raises possible misinterpretations... and possible estoppel effects" (M.P.E.P. §1302.14) and is therefore improper.

Respectfully submitted,

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